

REMARKS

I. Status of the Application

Claims 1-13 are all the claims pending in the Application. Claims 1-13 have been rejected.

The present response addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

II. Claim Rejections - 35 U.S.C. § 103

The Examiner has rejected claims 1-13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0125871 to Cherweny (hereinafter "Cherweny") in view of U.S. Patent Publication No. 2004/0104842 to Drury et al. (hereinafter "Drury"). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

The Examiner acknowledges that Cherweny fails to disclose or suggest a server for updating road information in a map information providing system for providing desired road information in accordance with a request from each of the terminal units. Further, the Examiner alleges that Cherweny only discloses that updates are distributed and does not teach or suggest whether the central station or the terminals initiate the updates. Nevertheless, the grounds of rejection apply Drury, alleging that Drury teaches or suggests this feature.

In response to Applicant's previous arguments that the grounds of rejection have failed to identify a proper motivation to combine the disparate teachings of Cherweny and Drury, the grounds of rejection allege that when one of ordinary skill in the art would attempt to use Cherweny, they would not know whether the server or the terminal would initiate an update.

(04/07/06 Office Action, page 3). Thus, the grounds of rejection allege that it would have been obvious for one of ordinary skill in the art to look to Drury for a teaching as to how to initiate an update and that one of ordinary skill would, consequently, combine the teachings of Cherveney and Drury to arrive at the recitations in claim 1.

Applicant respectfully disagrees with the grounds of rejection. Contrary to the requirements of the MPEP, the grounds of rejection have still failed to identify a proper motivation to combine the disparate teachings of Cherveney and Drury. (See MPEP § 2142 and MPEP § 2143). In order to combine or modify reference(s), and establish a *prima facie* case of obviousness, the Examiner must show by clear and particular evidence the motivation, suggestion or teaching to combine or modify the reference(s) and how or why such modification or combination is within the skill of one in the art. (See, In re Dembiczak, 50 USPQ2d 1614 (Fed.Cir. 1999)).

Here, the grounds of rejection allege that when a skilled artisan would attempt to use Cherveney, they would not know whether the server or the terminal would initiate an update and that, therefore, the skilled artisan would look to Drury for a teaching as to how to initiate an update. (08/25/05 Office Action, page 4; 04/07/06 Office Action, page 3). Applicant disagrees.

A skilled artisan would not have been motivated to look outside the four corners of Cherveney for a teaching as to how to initiate an update. Cherveney plainly teaches that the statistical data analyzer 16, which is located in the central geographic manager 10, initiates updates to the central geographic database 20. (Paragraph 0050; paragraph 0054). Specifically, Cherveney teaches that “the statistical data analyzer 16 determines updates to the central

geographic database 20” (emphasis added). (Paragraph 0050). Further, Cherveney unequivocally teaches that “the statistical data analyzer 16 provides a message 18 to initiate an update process 22 for the central geographic database 20” (emphasis added). (Paragraph 0054).

Therefore, the allegation in the grounds of rejection that when one of ordinary skill in the art would attempt to use Cherveney, they would not know whether the server or the terminal would initiate an update (04/07/06 Office Action, page 3), is factually unsupported by Cherveney. In fact, Cherveney teaches quite the opposite—that the statistical data analyzer 16, which is located in the central geographic data manager 10, initiates updates. Thus, in attempting to use Cherveney one of ordinary skill in the art would recognize that the statistical data analyzer 16 initiates updates, and would not be motivated to look any further than the teachings of Cherveney to accomplish update initiation.

Accordingly, the alleged motivation to combine relied upon by the grounds of rejection (i.e., that a skilled artisan would be motivated to look toward the disparate teachings of Cherveney for a teaching as to how to initiate an update) is unsupported by the cited references. As a result, Applicant submits that the grounds of rejection fail for *at least* these reasons.

Additionally, Applicant maintains that Drury provides no teaching or suggestion whatsoever regarding the desirability of combining the teachings therein with those of Cherveney so as to perform the entirely different operation of road network data which is updated by the positional data of the terminals, as recited in claims 1-13.

Consequently, Applicant respectfully submits that claims 1-13 are patentable over the applied references for *at least* these independent reasons. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: July 7, 2006